[21]

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IAMES ADVINS

JAMES ADKINS,

Civil Action No. 3:07-cv-00901 (FLW)

Plaintiff,

v.

ORDER

BRISTOL-MYERS SQUIBB COMPANY, SANOFI-AVENTIS U.S. L.L.C., SANOFI-AVENTIS U.S., INC., SANOFI-SYNTHELABO, INC.,

Defendants.

Defendants.

THIS MATTER having been opened to the Court by Defendants Bristol-Myers Squibb Company, Sanofi-Aventis U.S. L.L.C., Sanofi-Aventis U.S., Inc., and Sanofi-Synthelabo, Inc., through counsel Michael A. Tanenbaum, Esq., seeking dismissal of the First Amended complaint of Plaintiff James Adkins ("Plaintiff") for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); Plaintiff, through his counsel Michael A. DiMartino, Esq., having submitted opposition thereto; the Court having considered the moving, opposition, and reply papers filed by the parties; this matter being considered pursuant to Fed. R. Civ. P. 78; for the reasons stated in the Opinion filed on this date, and for good cause shown;

IT IS on this 30th day of December, 2009,

ORDERED that Count VI of Plaintiff's First Amended Complaint, asserting a claim under Tennessee's Consumer Protection Act, is dismissed without prejudice; and it is further

ORDERED that Count V of Plaintiff's First Amended Complaint, i.e., the negligent misrepresentation claim, is dismissed without prejudice.

Dated: December 30, 2009

_/s/ Freda L. Wolfson
United States District Judge